

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES GREGORY FINCH,

Defendant.

DOCKET NO. 1:19-cr-80

**UNOPPOSED MOTION FOR RELEASE
ON BOND AND TO ADMIT DEFENDANT
TO PRETRIAL DIVERSION PROGRAM**

Defendant, Gregory Finch, by and through his counsel of record, Mary Ellen Coleman, Assistant Federal Public Defender, moves this Honorable Court to release Mr. Finch from custody and admit him to a pretrial diversion program. In support of this Motion, Mr. Finch states:

1. On August 6, 2019, Mr. Finch was charged in a Bill of Indictment with a violation of Title 18, United States Code, Section 871. Mr. Finch had his initial appearance on August 9, 2019. On August 14, 2019, after a hearing, Mr. Finch was ordered detained. An arraignment hearing was held on that same date and Mr. Finch was placed on the November 4, 2019 trial calendar because it was less than thirty days from the September 3, 2019 trial docket. Mr. Finch has been continuously detained since his arrest.

2. After a full investigation by both the government and the defendant, both parties have agreed to resolve this matter by pretrial diversion. The United States Probation Office conducted a background investigation regarding the suitability of Mr. Finch for the Pretrial Diversion Program. The United States Probation Office has agreed that Mr. Finch will be placed on

pretrial diversion for a period of eighteen months. The parties have signed a formal Pretrial Diversion Agreement (Sealed Exhibit).

3. Mr. Finch submits that pursuant to 18 U.S.C. § 3142(f)(2), the agreement reached by Mr. Finch, the United States Attorney's Office, and the United States Probation Office, constitutes new information not known at the time of his original detention hearing which has a material bearing upon whether or not there are conditions of release that will reasonably assure Mr. Finch's appearance as required and the safety of any other person in the community. Thus, Mr. Finch requests that he be scheduled to reopen his detention hearing to address the pretrial diversion agreement and his suitability for release from custody.

4. Assistant United States Attorney Don Gast has been advised of this motion and has no objection to the scheduling of a detention hearing.

5. As part of his agreement reached with the government, Mr. Finch has expressly consented in that agreement to delay his prosecution and to waive any defense on the ground that the delay of his prosecution violated his speedy trial rights. Thus, Mr. Finch also does not object to the case being moved to inactive status pending resolution of the Pretrial Diversion Program.

WHEREFORE, Mr. Finch respectfully requests that he be scheduled for a detention hearing and be admitted to the Pretrial Diversion Program, for a period of eighteen months and furthermore, that his matter be transferred to inactive status until such time as the Pretrial Diversion Program has been successfully completed or Mr. Finch is terminated from the Pretrial Diversion Program.

Dated: October 6, 2019.

Respectfully Submitted,

s/ Mary Ellen Coleman

Mary Ellen Coleman

NC Bar 45313

Asst. Federal Public Defender

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